

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION**

PATRICK V. LEAUMONT

CIVIL ACTION NO. 1:13-cv-02397

VERSUS

JUDGE TRIMBLE

CITY OF ALEXANDRIA

MAGISTRATE JUDGE KIRK

MOTION FOR JUDGMENT ON THE PLEADINGS

NOW INTO COURT, through undersigned counsel, comes defendant, City of Alexandria (the “City”), which respectfully moves this court for a Judgment dismissing the complaint of plaintiff, Patrick V. Leaumont (“Leaumont”), against the City pursuant to Federal Rule Civil Procedure Rule 12(c).

1.

Leaumont’s Petition alleges violations of the Americans with Disabilities Act, 42 U.S.C. § 12101, *et seq.*, and the Louisiana Employment Discrimination Act, La. R.S. 32:322 and 323.

2.

As more fully shown in the City’s Memorandum in Support of Motion for Judgment on the Pleadings, and the exhibits attached thereto, which Memorandum and exhibits are incorporated herein by reference, Leaumont fails to state a claim for which relief can be granted, and the City is entitled to judgment on the pleadings dismissing Leaumont’s claims, with prejudice, at Leaumont’s cost.

3.

In support of the City’s Motion for Summary Judgment, the City includes and attaches the

following exhibits:¹

Ex. A: Letter dated July 12, 2012 from Alainna Mire to Patrick Leaumont; and

Ex. B: City of Alexandria Substance Abuse Policy and Practices.

WHEREFORE, defendant, City of Alexandria, prays the court grant its motion for judgment on the pleadings dismissing Leaumont's claims, with prejudice, at Leaumont's cost; and grant any other relief that the court may find appropriate on its own initiative.

Respectfully submitted,

GOLD, WEEMS, BRUSER, SUES & RUNDELL

By: /s/ Leisa B. Lawson

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**ATTORNEYS FOR DEFENDANT, CITY OF
ALEXANDRIA**

¹Plaintiff refers to Exhibit A, the July 12, 2012 letter of Alainna Mire, in paragraph 7 of his Petition and to Exhibit B, the City of Alexandria, Substance Abuse Policy and Procedures in paragraphs 4 and 9 of his Petition. "Documents that a defendant attaches to a motion to dismiss are considered part of the pleadings if they are referred to in the plaintiff's complaint and are central to her claim." *Causey v. Sewell Cadillac-Chevrolet, Inc.*, 394 F.3d 285, 288 (5th Cir. 2004).

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 1st day of August 2013, I electronically filed a copy of the foregoing pleading with the Clerk of Court using the CM/ECF electronic filing system, which will send a notice of electronic filing to all attorneys of record.

/s/ Leisa B. Lawson
COUNSEL